

**Amendments to the Drawings:**

The attached replacement drawing sheet makes changes to Fig. 1 and replace the original sheet with Fig. 1.

Attachment: Replacement Sheet

**REMARKS**

Claims 1-8 are pending. By this Amendment, claim 1 is amended to incorporate "a control section that controls" and for clarity and non-elected claim 9 is canceled. Claims 6 and 7 are amended for agreement with claim 1. Claim 8, the specification and Fig. 1 are amended to overcome the Office Action's objections. Fig. 1 is amended by deleting reference number "213". Support for the amendment of claim 1 can be found in Applicant's application, for example, in paragraphs [0030]-[0043] and Figs. 1 and 2. Applicant reserves the right to file one or more divisional applications to pursue the subject matter of non-elected claim 9. No new matter is added by the amendment. Reconsideration of the application based on the above amendments and following remarks is respectfully requested.

Examiners Lorengo and Wood are thanked for the courtesies extended to Applicant's undersigned attorney at the personal interview held November 3, 2009. At the interview, it was agreed that the above amendments likely overcome the Office Action's objections and rejections.

The drawings stand objected to. The drawings and specification have been amended to overcome the objections. In addition, reference numeral S30 exists in paragraph [0039]. Withdrawal of the objection is respectfully requested.

Claim 8 stands objected to. Claim 8 is amended to overcome the objection. Withdrawal of the objection is respectfully requested.

Claims 1-8 stand rejected under 35 U.S.C. §102(b) over Saito (JP 2002-352837). The rejection is respectfully traversed.

Saito fails to disclose each and every feature recited in independent claim 1. In particular, Saito fails to disclose "a control section that controls a gas supply unit to supply each of the fuel gas and the oxidizing gas to an anode and a cathode of the fuel cell, respectively by quantity corresponding to a load of the load device; wherein the control

section estimates a gas permeation quantity of at least one of the fuel gas and the oxidizing gas between the anode and the cathode after the power generation performed by the fuel cell is stopped; and wherein the control section corrects a supply quantity of at least one of the fuel gas and the oxidizing gas each corresponding to the load in accordance with the estimated gas permeation quantity, which is to be supplied by the gas supply unit upon a subsequent start of power generation" as recited in independent claim 1.

Saito discloses a fuel cell system including a control part 21 which controls a fuel gas supply 2 and a supply pressure control valve 3 to supply fuel gas to a fuel cell stack 1. In particular, Saito indicates that control section 21 controls to supply the optimal fuel gas flow rate for the fuel cell stack 1. See machine translation paragraph [0042]. The determination of the optimum fuel gas flow rate and providing of the fuel to the fuel cell stack 1 is explained in great detail in the specification. See machine translation starting at paragraph [0052]. Saito further discloses that the output power is calculated at the time of start and that the actuation timing of circulation control valve 8 is changed according to the output power in which ejection is possible at the time of power fetch of the fuel gas supply in the predetermined charge pressure, thereby the output power of the fuel cell system is optimized according to the temperature condition of the fuel cell stack 1. See paragraphs [0080]-[0081]. Saito fails to disclose "a control section that controls a gas supply unit...by quantity corresponding to a load of the load device...estimates a gas permeation quantity...and...corrects a supply quantity of at least one of the fuel gas and oxidizing gas..." as recited in independent claim 1. Thus, claim 1 is patentable. Accordingly, claims 2-8 also are patentable by their dependence on claim 1 for at least the reasons explained above regarding claim 1. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:RGB/jls

Attachment:  
Replacement Drawing Sheet

Date: November 19, 2009

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